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8963

JOSEPH A. JACHIMCZYK, M.D., J.D.  
FORENSIC PATHOLOGIST  
ATTORNEY AT LAW  
CHIEF MEDICAL EXAMINER



228-8311  
EXT. 671 (DAY)  
EXT. 212 (NIGHT)

OFFICE OF THE MEDICAL EXAMINER  
OF HARRIS COUNTY

HARRIS COUNTY COURT HOUSE  
HOUSTON, TEXAS 77002

AUTOPSY REPORT

CASE 73 - 3409

August 15, 1973

PATHOLOGICAL DIAGNOSIS ON THE BODY  
OF

Frank Anthony Aguirre  
932 West Cottage Street  
Houston, Texas


Asphyxia due to strangulation and  
gagging.

OPINION

It is our opinion that the decedent,  
Frank Anthony Aguirre, came to his  
death as a result of asphyxia due to  
strangulation and gagging, homicide.

It is our further opinion that death  
occurred on or about February 24, 1972.

COMMENT: Dr. Joseph A. Jachimczyk spoke  
with Mr. Frank Aguirre on the telephone  
on August 23, 1973.

  
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Joseph A. Jachimczyk, M.D., J.D.  
Chief Medical Examiner

## POSTMORTEM EXAMINATION ON THE BODY OF

Frank Anthony Aguirre  
932 West Cottage Street  
Houston, Texas

HISTORY: These remains were recovered from a grave 2 to 3 feet deep on the beach off Highway 87, 1 mile west of Jefferson County line, in Chambers County, Texas, at 10:13 a.m. on August 13, 1973. Unknown #23 (73-3408) and Unknown #24 (73-3409) were brought to the Harris County Morgue at approximately 4:00 p.m. on August 13, 1973. (See Companion Cases 73-3365, 73-3366, 73-3412 and 73-3413).

AUTOPSY: The autopsy was performed by Chief Medical Examiner Joseph A. Jachimczyk, M.D., assisted by Assistant Medical Examiners Ethel E. Erickson, M.D., and G. Sheldon Green, M.D., and assisted by Dr. Paul G. Stimson, beginning at 1:15 p.m. on August 15, 1973, in the Harris County Morgue.

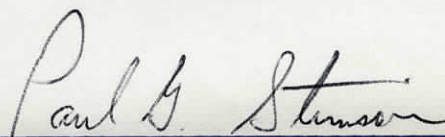
Received in a black crash bag were the skeletal remains of a male Caucasian with only a small amount of decomposed flesh and skin. The skull was covered with long black hair, measuring from 8 to 10 inches in length. There was adhesive tape covering the entire face. There was a gag present in the mouth. Around the neck area, there was a rope tied in a hangman's noose. There was a portion of plastic covering received with the body. The bones included a complete skull with the teeth, two femurs, two radii, two tibias, two fibulas, two humeri, two ulnas, one scapula, two pelvic bones, 21 ribs, two clavicles, manubrium, and the body of the sternum. In 10 of the ribs, there were irregular protrusions near the vertebral edges for muscle attachment at the anterior ends of the ribs. There were three large bones of a foot and six small bones of the hand, including metatarsals and metacarpals. Each femur measured 18-1/2 inches in length. Each tibia measured 16 inches in length. Each humerus measured 12-1/2 inches in length. Each fibula measured 16 inches in length. Each ulna measured 10-1/4 inches in length. Each radius measured 10-3/4 inches. Each clavicle was 5-3/4 inches in length.

The skeletal features are consistent with those of an 18 year old Caucasian male with a living stature of 6 feet 2 inches.

DENTAL EXAMINATION

Universal Charting System: The four third molars are not present. There is a cingulum caries on the upper left lateral, which is tooth 10. There is a mesial and distal pit amalgam on tooth 14, which is the upper left first molar. There is an occlusal amalgam in the lower right first molar, tooth 30. There is an occlusal amalgam in the lower right second molar, which is tooth 31. The upper right second bicuspid, tooth 4, is in cross-bite to the lingual. The jaw relationships are normal.

Comparison of our record with the record of Dr. Bernard M. Solomon, D.D.S., 1717 North Loop West, Suite #3, Houston, Texas, 77008. Fillings were present in three teeth which were reversed from those we had charted. However, on August 31, 1973, at 2:30 p.m., I called Dr. Solomon and asked him what charting system he used. He charted #3 as the upper left first molar. He charted #30 as the lower right first molar. He charted #31 as the lower right second molar. This was different from the manner we charted. Our upper left first molar would be #14, the lower right first molar would be #30 and the lower right second molar #31. Therefore, the fillings in the charts were exactly the same; only the method of charting differed. Dr. Solomon had no antemortem radiographs. Accordingly, it is our opinion, based upon a reasonable medical probability, that the decedent is Frank Aguirre.



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Paul G. Stimson, D.D.S., M.S.

Autopsy

INVESTIGATOR'S REPORT

Investigator: H. C. Gregory

View

Case No. 73-3409

Decedent: Frank Anthony Aguirre Race W Sex M Age 19

Address: 932 West Cottage Street, Houston, Texas

Death: FOUND August 13, 1973 Approx. Time 10:13 ~~A.M.~~  
Beach Off Highway 87, 1 Mile West of ~~P.M.~~

Place of Death: Jefferson County Line, Chambers County, Texas

Place of Inquest: Beach Off Highway 87, 1 Mile West of

Jefferson County Line, Chambers County, Texas

Date and Time of Inquest: August 13, 1973 3:10 ~~P.M.~~

Location, Position, and Surroundings of Body:

Clothing:

Information:

The decedent, according to C. A. Dailey and Ben Sterling of the Sterling Funeral Home, Dayton, Texas, was disinterred from a gravesite on the beach at the above location. The grave was 2 to 3 feet deep.

H. C. Gregory  
H. C. Gregory

Property:

Transferred to Morgue by: Sterling Funeral Home, Dayton, Texas

Funeral Home Conducting Service: Earthman Funerals, Houston, Texas

224-5436  
Mr. Will Gray

Case No. Name To Date Out

73-3409 Frank Aquino Will Gray  
Def. Atty.  
224-5436

Pls call when ready.

Airt  
D.C.

RECEIVED BY: Will Gray  
DATE: 5-1-74 TIME: 10:30 A.M.

Rec: 11:20 am  
4-15-74 jm

73-3409

Case No.

Name

To

Date Out

73-3409 Frank A. Aguirre Don Lambright 4-26-74

Ait  
D.C.

Rec: 4-26-74

73-3409

1. PLACE OF DEATH a. COUNTY <b>Chambers</b>		2. USUAL RESIDENCE (Where deceased lived. If institution, residence before admission) a. STATE <b>Texas</b> b. COUNTY <b>Harris</b>	
b. CITY OR TOWN (If outside city limits, give precinct no.) <b>Precinct #3</b>		c. LENGTH OF STAY in l. b.	
c. CITY OR TOWN (If outside city limits, give precinct no.) <b>Houston</b>		d. STREET ADDRESS (If rural, give location) <b>932 West Cottage</b>	
d. NAME OF HOSPITAL OR INSTITUTION <b>found County line in Chambers Cty. Beach, off Hwy. 87, 1 Mi. W. of Jefferson/</b>		e. IS RESIDENCE INSIDE CITY LIMITS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
e. IS PLACE OF DEATH INSIDE CITY LIMITS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		f. IS RESIDENCE ON A FARM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
3. NAME OF DECEASED (Type or print) <b>Frank Anthony Aguirre</b>		4. DATE OF DEATH <b>Found 8-13-73</b>	
(a) First		(b) Middle	
(c) Last		7. DATE OF BIRTH <b>Aug. 22, 1953</b>	
5. SEX <b>Male</b>		6. COLOR OR RACE <b>White</b>	
7. Married <input type="checkbox"/> Never Married <input checked="" type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>		9. AGE (In years last birthday) <b>19</b>	
10a. USUAL OCCUPATION (Give kind of work done during most of working life, even if retired) <b>Student</b>		10b. KIND OF BUSINESS OR INDUSTRY <b>High School</b>	
11. BIRTHPLACE (State or foreign country) <b>Houston, Texas</b>		12. CITIZEN OF WHAT COUNTRY? <b>U.S.A.</b>	
13. FATHER'S NAME <b>Frank Aguirre</b>		14. MOTHER'S MAIDEN NAME <b>Josephine Montez</b>	
15. WAS DECEASED EVER IN U.S. ARMED FORCES? (Yes, no, or unknown) (If yes, give war or dates of service) <b>No</b>		16. SOCIAL SECURITY NO.	
17. INFORMANT <i>Joe R. Aguirre</i>		18. CAUSE OF DEATH [Enter only one cause per line for (a), (b), and (c).] PART I. DEATH WAS CAUSED BY: IMMEDIATE CAUSE (a) <b>Asphyxia due to strangulation and gagging.</b> DUE TO (b) _____ DUE TO (c) _____ PART II. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO THE TERMINAL DISEASE CONDITION GIVEN IN PART I(a) 19. WAS AUTOPSY PERFORMED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
20a. ACCIDENT <input type="checkbox"/> SUICIDE <input type="checkbox"/> HOMICIDE <input checked="" type="checkbox"/>		20b. DESCRIBE HOW INJURY OCCURRED. (Enter nature of injury in Part I or Part II of Item 18) <b>Strangled, and gagged.</b>	
20c. TIME OF INJURY Hour <b>found</b> Month <b>8</b> Day <b>13</b> Year <b>73</b> a.m. <b>UNK</b> p.m.		20d. INJURY OCCURRED WHILE AT WORK <input type="checkbox"/> NOT WHILE AT WORK <input checked="" type="checkbox"/>	
20e. PLACE OF INJURY (e.g., home, farm, factory, street, office building, etc.) <b>found Chambers County</b>		20f. CITY, TOWN, OR LOCATION, COUNTY, STATE <b>Precinct #3 Chambers Texas</b>	
21. I hereby certify that I attended the deceased from <b>found</b> on <b>from autopsy findings</b> 19 <b>8-13-73</b> to _____, 19 _____ and last saw the deceased alive on _____, 19 _____ Death occurred at <b>8-13-73</b> m. on the date stated above, and to the best of my knowledge, from the causes stated.			
22a. SIGNATURE <i>Joseph A. Jachimczyk</i> <b>Joseph A. Jachimczyk, M.D.</b>		22b. ADDRESS <b>209 Courthouse Houston, Texas</b>	
22c. DATE SIGNED <b>9-12-73</b>		23a. BURIAL, CREMATION, REMOVAL (Specify) <b>Burial</b>	
23b. DATE <b>Sept. 4, 1973</b>		23c. NAME OF CEMETERY OR CREMATORY <b>Garden of Gethsemane</b>	
23d. LOCATION (City, town, or county) (State) <b>Houston, Texas</b>		24. FUNERAL DIRECTOR'S SIGNATURE <b>Earthman Funerals-</b>	
25a. REGISTRAR'S FILE NO.		25b. DATE REC'D BY LOCAL REGISTRAR	
25c. REGISTRAR'S SIGNATURE			

TEXAS DEPARTMENT OF HEALTH — BUREAU OF VITAL STATISTICS

MEDICAL CERTIFICATION

VS-112, REV. 1/58

3409

994.7  
E963



**WU**  
western union

# Telegram

HSE281(1845)(2-020294E243) PD 08/31/73 1845  
 ICS IPMBNGZ CSP  
 7132234541 TDBN HOUSTON TX 12 08-31 0645P EST  
 PMS MEDICAL EXAMINER, WUX  
 CARE BEN TAUB GENERAL HOSPITAL  
 HOUSTON TX  
 RELEASE THE REMAINS OF FRANK ANTHONY AGUIRRE TO THE EARTHMAN  
 FUNERAL HOME  
 MOTHER, MRS. MONTEZ AGUIRRE

*Duplicate Of  
 Telephone Telegram*

*llf*  
 73-3409

1973 AUG 31 8 33  
 ONLY HOUSTON TEX

228831 - Luce  
 dy 7388 - dr



August 13 1973  
11:35 p.m.

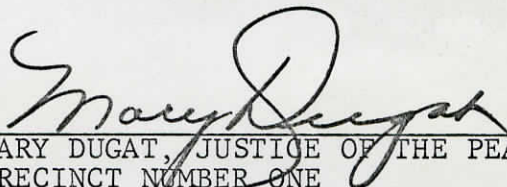
I, Mary Dugan Justice of the  
Peace, Precinct No. One (1) of  
Winnie, Chambers County, Texas,  
hereby direct and order  
Mr. Jim Stelling of Stelling  
Funeral Home (Dayton &  
Anahuac, Texas, to take  
the remains of one dead  
body to the Pathologist, Dr.  
Jan Chyik Houston Texas  
for a pathology report -  
to ascertain cause of  
death, if possible, identification  
of body, to perform and  
autopsy, on Body No. 3  
unearthed, August 13 1973  
10:15 a.m. on the beach of  
Chambers County Texas.  
This is my order for trans-  
mitting of body # 3.

Judge Mary Dugan  
Justice of the Peace  
#1, Winnie 77665

THE STATE OF TEXAS    X  
COUNTY OF CHAMBERS   X

I, MARY DUGAT, JUSTICE OF THE PEACE, Precinct Number One (1), Winnie, Chambers County, Texas, acting in the official capacity of Justice of the Peace, according to Vernon's Code of Criminal Procedure, Article 49.01, on the 13th day of August, A. D. 1973, do hereby Direct and Order an autopsy performed upon the remains of one human body discovered by unearthing on the beach of Chambers County, Texas, one and four-tenths miles from State Highway 124 and State Highway 87 intersection easterly, eighty-seven (87) feet from Scene II heading east. Said remains were found at 10:15 A. M. and unearthed at 12:15 P.M. Said remains were unidentifiable.

I HEREBY ORDER, REQUEST, DR. JOSEPH A. JACHIMCZYK, duly trained Pathologist of the State of Texas, City of Houston, Harris County, Texas, to perform an autopsy upon the remains marked Scene No. III and Body No. III. Said remains are being delivered upon order of this Justice of the Peace by Mr. Jim Sterling, STERLING FUNERAL HOMES of Dayton and Anahuac, Texas. (VCP 49.03)

  
\_\_\_\_\_  
MARY DUGAT, JUSTICE OF THE PEACE  
PRECINCT NUMBER ONE  
WINNIE, CHAMBERS COUNTY, TEXAS

Dr. Jachimczyk

July 8, 1974

73-3334; 73-3335;  
73-3377; 73-3409;  
73-3412

Marty Ray Jones; Charles Cobble;  
Homer Luis Garcia; Frank Anthony  
Aguirre; Johnny Ray Delone

Elmer Wayne Henley

175th District

74-CR-424

Bexar County Court  
House  
San Antonio, Texas

There ARE Pictures

*Dr. Jachimczyk testified  
7-10-74 through 7-11-74*